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| Attn.: | Examiner Devon C. Kramer | |
| Facsimile No.: | 571-273-8300 | |
| From: | Matthew P. Dugan, Reg. No. 44,663 | |
| Re: | Serial No. 10/601,448 filed June 23, 2003 Our Ref.: P03042US1A FIRZ 2 00143 | |

COMMENTS

Attached are:

Reply to Examiner's Answer

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : Holbrook, et al.
TITLE : **SYSTEM AND METHOD FOR
DETERMINING APPROPRIATE
CONDITIONS FOR LEVELING A
VEHICLE HAVING AN AIR
SUSPENSION SYSTEM**
APPLICATION NO. : 10/601,448
FILED : June 23, 2003
CONFIRMATION NO. : 9762
EXAMINER : Devon C. Kramer
ART UNIT : 3683
LAST OFFICE ACTION : September 14, 2006
ATTORNEY DOCKET NO. : P03042US1A
FIRZ 2 00143

REPLY TO EXAMINER'S ANSWER

MAIL STOP APPEAL BRIEF – PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is in reply to the Examiner's Answer mailed on September 14, 2006 in connection with the above-identified application. What follows is Appellants' Reply Brief in accordance with 37 C.F.R. §41.41.

This Reply Brief addresses some of the arguments presented in the Examiner's Answer under heading (10), which is entitled Response to Argument. The remaining arguments presented in the Examiner's Answer are fully addressed in Appellant's Appeal Brief and, as such, are not further discussed herein. However, the absence of any remarks

or discussion herein regarding these remaining arguments presented in the Examiner's Answer should not be considered or interpreted to mean that Appellants agree with or in any way acquiescence to any such remaining arguments.

Complexity of Shono

Appellants have raised and devoted considerable discussion to the issue of complexity of the system in Shono. While the system and method in Shono do seem to be substantially more complex than in the subject application, the discussions of this important factor have not been presented merely to illustrate that one system is complex and the other is greatly simplified. Though this is a substantial difference. This issue has also been raised because the complexity of Shono might possibly obscure from view the important operational differences between it and the subject matter of the present application.

Shono Does Not Teach the Claimed Method

The Examiner's Answer states that:

... even though the system of Shono may be more complex than the instant application, the method steps in the claim language presented in the instant application are still met by the disclosure of Shono et al.

Appellants do not agree.

The differences between the operation of Shono and the subject application have been discussed in detail in numerous papers submitted by Appellants in connection with the present application, so these differences are not presented in detail again here. However, the following important differences are again noted.

1) Shono Does Not Continue An Earlier Discontinued Leveling Action.

The system in Shono operates in an iterative manner utilizing a main program and various subroutines that are selectively executed based on the status and/or values of a multitude of programming flags. Once a predetermined condition has been reached, Shono is operative to suspend any ongoing height change. The height changing routine is then ended and the system returns to execution of the main program. During the next

iteration of the main program, new performance and height data is collected (step 102 of FIG. 2 in Shono) and a new height changing routine may then be performed. Importantly, this new height changing routine will use the new performance and height data.

The claims of the subject application recite actions of discontinuing a leveling action and then later continuing that leveling action, which actions are not taught or suggested by Shono. That is, it is not possible for Shono to "continue" the previously suspended height change in the claimed manner because any further action in Shono is based on new data rather than on the earlier values that were associated with suspended action.

To further establish this difference, Appellants refer to the independent claims of the subject application, which introduce "a pre-determined height condition" associated with the initiation of a leveling action. Independent claims 24 and 44 then recite "said pre-determined height condition" in reference to actions of discontinuing and later continuing the leveling action. Independent claim 33 includes a typographical error in which "a pre-determined height condition" is recited in step f). It is noted, however, that this language should be corrected to recite "said pre-determined height condition" as the term has already been introduced in step a) of claim 33. Appellants will prepare and file a paper making this correction at a permissible time.

2) Shono Does Not Utilize A Second, Lower Pre-determined Value To Continue The Earlier Discontinued Leveling Action

Because Shono does not operate to continue an earlier discontinued leveling action, it cannot be interpreted to teach the use of a second, lower pre-determined value as a trigger for continuing the earlier discontinued leveling action, as recited in the subject claims. The system and method in Shono do use two acceleration values (**G1** and **G2**). Due to the fact that the system operates in a different manner than that of the subject application, however, the two acceleration values (**G1** and **G2**) disclosed in Shono are used for different purposes than in the subject application.

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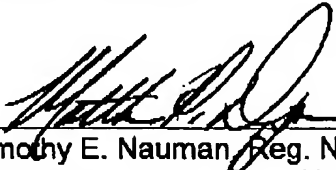
CONCLUSION

For all of these reasons, as well as those presented in Appellants' Appeal Brief, it is respectfully submitted that the presently issued rejections are in error and that claims 24-46 are allowable over the documents of record. Thus, Appellants respectfully request that this Honorable Board reverse the rejections of claims 24-46.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLPNovember 14, 2006

Date


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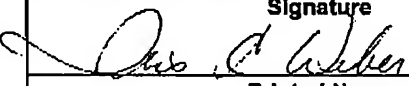
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